

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DYSON, INC., an Illinois Corporation)	
)	
Plaintiff,)	
vs.)	No. 1:08-cv-02068
)	
LINENS 'N THINGS, INC, a Delaware Corporation,)	Judge: The Hon. Virginia M. Kendall
)	
Defendant.)	
)	
)	

LINENS 'N THINGS, INC.'S MOTION TO DISMISS

Defendant Linens 'n Things, Inc., by and through its attorneys, respectfully moves the Court to Dismiss Plaintiff Dyson, Inc.'s Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(3),(6), and (7) and Fed. R. Civ. P. 9(b). The basis and reasons for Defendant's motion are set out in the attached Memorandum of Law in Support of Linens 'n Things, Inc.'s Motion to Dismiss.

Dated: April 28, 2008.

Respectfully submitted,

s/ Casey L. Westover
Attorney for Defendant

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CERTIFICATE OF SERVICE

I, Casey L. Westover, one of the attorneys for Defendant Linens 'N Things, Inc., hereby certify that on April 28, 2008, I electronically filed the foregoing "**LINENS 'N THINGS, INC.'S MOTION TO DISMISS**" with the Clerk of the Court using the ECF system which will send notificaiton of such filings to the following:

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s/ Casey L. Westover
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